



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Glenwood Springs Field Office
50629 Highway 6 and 24
Glenwood Springs, Colorado 81601
www.co.blm.gov



CATEGORICAL EXCLUSION

NUMBER: CO140_2008_052CE

CASEFILE/PROJECT NUMBER: COC72754

PROJECT NAME: Road right-of-way

LEGAL DESCRIPTION: Lot 6, Section 14, T. 4 S., R. 83 W.,
Sixth Principal Meridian, Eagle County, Colorado.

APPLICANT: Scott Davis, Davis Excavating

DESCRIPTION OF PROPOSED ACTION:

Rectify road trespass. Applicant has a commercial snow dumping operation, and has approval from private landowner to dump snow onto their property. The applicant has been using this road for at least the past ten years for snow dumping.

The road right-of-way that the applicant is requesting already exists under right-of-way authorization No. COC-60382 (Chris Jouflas). The applicant has concurrence from the private landowner to both share the road easement and to dump snow on the Jouflas' Ranch.

The right-of-way would rectify the road trespass, and provide the opportunity to develop stipulations for the BLM public lands to be maintained and rehabilitated.

PLAN CONFORMANCE REVIEW: The Proposed Action is subject to and has been reviewed for and is in conformance with (43 CFR §1610.5 and § 2800, BLM 1617.3) the following plan:

Name of Plan: Record of Decision and Glenwood Springs Resource Management Plan.

Date Approved: January, 1984; revised in 1988; amended in November 1991 - Oil and Gas Leasing and Development - Final Supplemental Environmental Impact Statement; amended Nov. 1996 - Colorado Standards and Guidelines; amended in August 1997 - Castle Peak Travel Management Plan; amended in March 1999 - Oil and Gas Leasing & Development Final Supplemental Environmental Impact Statement; amended in November 1999 - Red Hill Plan Amendment; and amended in September 2002 – Fire Management Plan for Wildland Fire Management and Prescriptive Vegetation Treatment Guidance.

Decision Language: Various types of administrative actions will require special attention beyond the scope of this plan. They include issuance of permits for "...land actions, including issuance of grants, leases, permits and resolution of trespass..."

CATEGORICAL EXCLUSION REVIEW:

The proposed action qualifies as a categorical exclusion under 516 DM 6, Appendix 5.4, Number: E. Realty No. 12. None of the following exceptions in 516 DM 2, Appendix 2, apply.

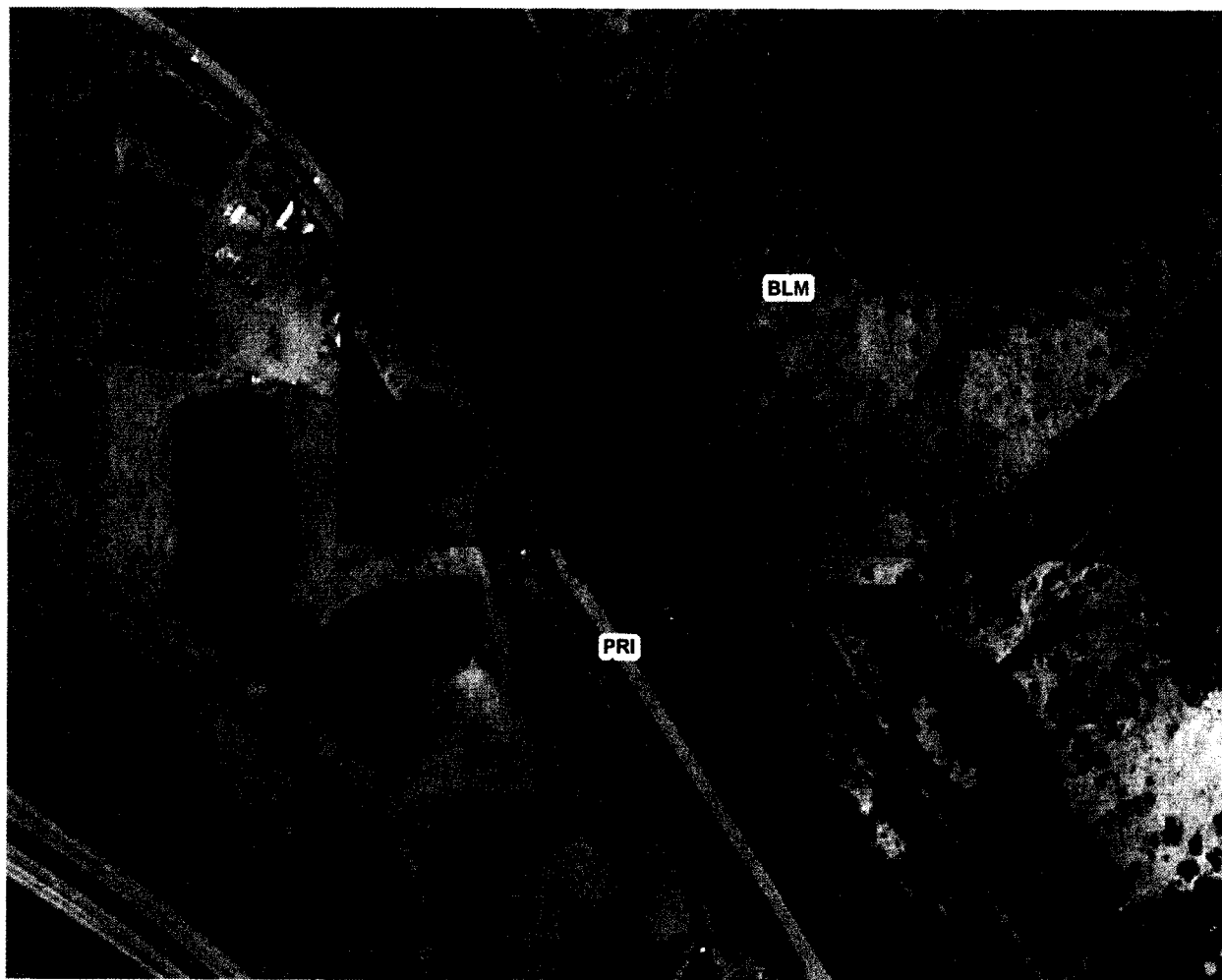
(12) Grants of right-of-way wholly within the boundaries of other compatibly developed rights-of-way.

The Departmental Manual (516 DM 2.3A(3) & App. 2) requires that before any action described in the following list of categorical exclusions is used, the exceptions must be reviewed for applicability in each case. The proposed action cannot be categorically excluded if one or more of the exceptions apply, thus requiring either an EA or an EIS. When no exceptions apply, the following types of bureau actions normally do not require the preparation of an EA or EIS.

None of the following exceptions in 516 DM 2, Appendix 2, apply.

EXCLUSION	YES	NO
1. Have significant impacts on public health or safety.		X
2. Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); floodplains (Executive Order 11988); national monuments; migratory birds; and other ecologically significant or critical areas.		X
3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)].		X
4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.		X
5. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.		X
6. Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.		X
7. Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by either the bureau or office.		X
8. Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species.		X
9. Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.		X
10. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).		X
11. Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007).		X
12. Contribute to the introduction, continued existence, or spread of noxious weeds or		X

non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112).		
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INTERDISCIPLINARY REVIEW:

<u>Name</u>	<u>Title</u>	<u>Area of Responsibility</u>
Cheryl Harrison	Archaeologist	Cultural and Native American Concerns
Kay Hopkins	Outdoor Recreation Planner	ACEC, VRM, WSR, Wilderness
Carla DeYoung	Ecologist	T/E/S Plants, Vegetation
Desa Ausmus	Wildlife Biologist	Wildlife, T&E Wildlife, Migratory Birds
Tom Fresques	Fisheries Biologist	Fisheries, T&E Fish
Jeff O'Connell	Hydrologist	Soil, Air, Water
Dereck Wilson	Range Mgt Specialist	Invasive, Non-native Species

REMARKS/MITIGATION:

Cultural Resource/Native American Concerns: Two Class III inventories (GSFO#856 and 1028) encompass the proposed ROW. No historic properties or areas of Native American concern were identified. The following needs to be added to the permit and adhered to by all personnel involved in the proposed action particularly the removal actions.

The National Historic Preservation Act (NHPA) requires that if newly discovered cultural resources are identified during project implementation, work in that area must stop and the agency Authorized Officer notified immediately (36 CFR 800.13). The Native American Graves Protection and Repatriation Act (NAGPRA), requires that if inadvertent discovery of Native American Remains or Objects occurs, activity must cease in the area of discovery, a reasonable effort made to protect the item(s) discovered, and immediate notice made to the BLM Authorized Officer, as well as the appropriate Native American group(s) (IV.C.2). Notice may be followed by a 30-day delay (NAGPRA Section 3(d)). Further actions also require compliance under the provisions of NHPA and the Archaeological Resource Protection Act.

Invasive, Non-native Species: Roadsides often create a niche for the invasion of noxious weeds or other invasive species. Vehicle traffic can spread weeds along the right-of-way or introduce new infestations to the area. The applicant will monitor the right-of-way for the presence of any noxious weeds and will be responsible for promptly controlling any noxious weeds on the Colorado State List A or B (except redstem filaree) within the right-of-way. If the applicant chooses to use herbicides as the control method on public lands, a Pesticide Use Proposal shall be submitted to the BLM and approved prior to initiating any herbicide spraying.

T&E Species: The trespass area does not provide habitat for any federally listed T&E wildlife species, therefore, no impacts have occurred to these species. The public lands within the project area do constitute potential habitat for the BLM Sensitive plant, Harrington's penstemon. However, given the degree of disturbances in this area, the habitat has been altered to the point where it is no longer suitable habitat for this species. No additional impacts would occur to this species from the continuation of the proposed action.

NAME OF PREPARER: Carole Huey, Realty Specialist

DATE: March 17, 2008

DECISION AND RATIONALE: I have reviewed this Categorical Exclusion Report and have decided to implement the proposed action.

This action is listed in the Department Manual as an action that may be categorically excluded. I have evaluated the action relative to the 12 criteria listed above and have determined that it does not represent an exception and is, therefore, categorically excluded from further environmental analysis.

SIGNATURE OF AUTHORIZED OFFICIAL:


Associate Field Manager

DATE SIGNED: 3/17/08